

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-8, 10-17, and 19-31 are presently pending in this case. Claims 1, 10, 19, and 24 are amended by the present amendment. As amended Claims 1, 10, 19, and 24 are supported by the original disclosure,¹ no new matter is added.

In the outstanding Official Action, the specification was objected to; Claims 1-8, 10-17, and 19-31 were rejected under 35 U.S.C. section §112, second paragraph; Claims 19-23 were rejected under 35 U.S.C. §101; Claims 1-6, 10-15, 19-22, and 24-29 were rejected under 35 U.S.C. §102(a) as anticipated by Yuji (Japanese Patent Publication No. 2003-173278); and Claims 7, 8, 16, 17, 23, 30, and 31 were rejected under 35 U.S.C. §103(a) as unpatentable over Yuji in view of Wright, Jr. et al. (U.S. Patent Application Publication No. 20040122873, hereinafter “Wright”).

With respect to the objection to the specification, it is respectfully submitted that at least page 98, lines 13 and 14 of the present specification provide antecedent basis for the computer readable medium recited in Claims 19-23. In particular, this portion of the specification describes that ROM 204 pre-stores various application programs, such as basic programs and application programs. Accordingly, the objection to the specification is believed to be overcome.

With regard to the rejections of Claims 1-8, 10-17, and 19-31 under 35 U.S.C. section §112, second paragraph, Claims 1, 10, 19, and 24 are amended to recite that deletion-target priority of the data is determined based on the attribution separately from any conditional statements. Accordingly, Claims 1-8, 10-17, and 19-31 are believed to be in compliance with all requirements under 35 U.S.C. section §112, second paragraph.

¹See, e.g., the specification at page 89, lines 14-18.

With regard to the rejection of Claims 19-23 under 35 U.S.C. §101, Claims 19-23 are amended to recite a “computer readable medium,” which is an article of manufacture. This article of manufacture is describes that least by page 98, lines 13 and 14 of the present specification. In particular, this portion of the specification describes that ROM 204 pre-stores various application programs, such as basic programs and application programs. Accordingly, Claims 19-23 are compliance with all requirements under 35 U.S.C. §101.

With regard to the rejection of Claim 1 as anticipated by Yuji, that rejection is respectfully traversed.

Amended Claim 1 recites in part:

data attribution detection means for detecting attribution of storing-target data;

control means for determining deletion-target priority of said data based on said attribution, said control means determining that said deletion-target priority of said data is high to delete said data when attribution of said data shows that said data is content copied from an external storage medium;

determination means for determining whether or not the storage of said data is to be performed based on the attribution of said data detected by said data attribution detection means;

data deletion means for deleting data having higher deletion-target priority than others from among a plurality of stored data, if said determination means determines that the storage of said data is to be performed and a storage medium for storing said data runs out of space; and

data storage means for storing said storing-target data in said storage medium after said data deletion means deletes data having higher said deletion-target priority.

The outstanding Office Action conceded that features of the above recited “control means” were not considered in the outstanding rejection, and thus did not cite any part of Yuji or Wright as describing this feature.²

It is respectfully submitted that Yuji does not describe this feature. Further, Wright describes a method of freeing up computer storage space wherein data has an attribute

²See the outstanding Office Action at page 2, lines 20-21.

associated therewith that indicates that the data can be deleted. Paragraph 31 of Wright describes that this attribute can be based on: a user valuation, time to the last access to the file, a priority associated with an application that originated the file, a file type, or any other criteria.³ However, it is respectfully submitted that Wright does not specifically describe that the deletable data attribute is based on *whether or not the data was copied from external storage medium*. Therefore, it is respectfully submitted that neither Yuji nor Wright teach or suggest “control means” as defined in amended Claim 1. Consequently, Claim 1 (and Claims 2-8 dependent therefrom) is patentable over Yuji and Wright.

Amended Claims 10 and 19 recite in part:

detecting attribution of storing-target data;
determining deletion-target priority of said data based on said attribution, said determining including determining that said deletion-target priority of said data is high to delete said data when attribution of said data shows that said data is content copied from an external storage medium;
determining whether or not the storage of said data is to be performed based on the attribution of said data detected by said detecting;
deleting data having higher deletion-target priority than others from among a plurality of stored data, if said determination step determines that the storage of said data is to be performed and a storage medium for storing said data runs out of space; and
storing said storing-target data in said storage medium after said data deletion step deletes data having higher said deletion-target priority.

As noted above, Wright only describes that a deletable data attribute can be based on: a user valuation, time to the last access to the file, a priority associated with an application that originated the file, or a file type. In particular, it is respectfully submitted that Wright does not specifically describe that a deletable data attribute is based on *whether or not the data was copied from external storage medium*. Therefore, it is respectfully submitted that Wright does not teach or suggest “determining deletion-target priority” as defined in

³See Wright, paragraphs 25 and 31.

amended Claims 10 and 19. Further, it is respectfully submitted that Yuji does not teach or suggest this feature either. Consequently, Claims 10 and 19 (and Claims 11-17 and 20-23 dependent therefrom) are also patentable over Yuji and Wright.

Amended Claim 24 recites in part:

a control unit configured to determine deletion-target priority of said data based on said attribution, said control unit configured to determine that said deletion-target priority of said data is high to delete said data when attribution of said data shows that said data is content copied from an external storage medium.

As noted above, Wright only describes that a deletable data attribute can be based on: a user valuation, time to the last access to the file, a priority associated with an application that originated the file, or a file type. In particular, it is respectfully submitted that Wright does not specifically describe that a deletable data attribute is based on ***whether or not the data was copied from external storage medium***. Thus, it is respectfully submitted that Wright does not teach or suggest "a control unit" as defined in amended Claim 24. Further, it is respectfully submitted that Yuji does not teach or suggest this element either. Consequently, amended Claim 24 (and Claims 25-31 dependent therefrom) is patentable over Yuji and Wright.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)
I:\ATTY\ET\277188US\277188US-AMD7.2.08.DOC

Edward W. Tracy, Jr.
Registration No. 47,998